

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTHWESTERN UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 24-1151 (RGA)
)	
MODERNA, INC., MODERNATX, INC.,)	
and MODERNA US, INC.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants Moderna, Inc., ModernaTX, Inc., and Moderna US, Inc. (collectively, "Moderna") hereby move to dismiss Plaintiff Northwestern University's Complaint (D.I. 1) for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth in Defendants' Opening Brief and the exhibits to the Declaration of Andrew J. Danford filed herewith. A [Proposed] Order dismissing Plaintiff's Complaint with prejudice is attached hereto.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

/s/ Travis J. Murray

Amy K. Wigmore
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000

Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
began@morrisnichols.com
tmurray@morrisnichols.com

Emily R. Whelan
Kevin S. Prussia
Andrew J. Danford
Annaleigh E. Curtis
Wenli Gu
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000

Attorneys for Defendants

December 23, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTHWESTERN UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 24-1151 (RGA)
)	
MODERNA, INC., MODERNATX, INC.,)	
and MODERNA US, INC.,)	
)	
Defendants.)	

[PROPOSED] ORDER

Having reviewed and considered Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) ("the Motion"), the related briefing and all arguments thereto:

IT IS HEREBY ORDERED that Defendants' Motion is GRANTED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

SO ORDERED this ____ day of _____, 2025.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 23, 2024, upon the following in the manner indicated:

Kelly E. Farnan, Esquire
Katharine Lester Mowery, Esquire
RICHARDS, LAYTON O& FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Rebecca T. Horwitz, Esquire
Mac S. LeBuhn, Esquire
Katherine E. Rhoades, Esquire
Katerina A. Kokkas, Esquire
BARTLIT BECK LLP
54 West Hubbard Street, Suite 300
Chicago, IL 60654
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

John M. Hughes, Esquire
BARTLIT BECK LLP
1801 Wewatta Street, 12th Floor
Denver, CO 80202
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Travis J. Murray

Travis J. Murray (#6882)